

MATTHEW W. BRISSENDEN, P.C.
ATTORNEY AT LAW

666 Old Country Road, Suite 501
Garden City, New York 11530

516-683-8500, Fax: 516-683-8410
matthew.w.brissenden@gmail.com

December 16, 2020

Via ECF

The Honorable Joseph F. Bianco
United States Circuit Judge
United States Court of Appeals for the Second Circuit
1040 Federal Plaza
Central Islip, New York 11722

Re: United States v. Kenner, 13-CR-607

Dear Judge Bianco,

This office has been appointed as standby counsel to assist Phillip Kenner in his capacity as a *pro se* litigant. Mr. Kenner is currently scheduled to appear before Your Honor on December 21st for a determination with respect to his restitution obligations.

The Government recently informed me that, due to the ongoing COVID-19 pandemic and the attendant MDC lockdown, they are unable to produce Mr. Kenner for a video conference on that date. The Government further indicated that they could produce Mr. Kenner by telephone if he was willing to consent to such procedure. Alternatively, the Government suggested that the proceeding could be adjourned.

I was able to speak with Mr. Kenner today *via* a legal call. He informed me that, due to the MDC lockdown, he has been unable to access his material or prepare for the upcoming appearance. As a result, Mr. Kenner does not wish to proceed by telephone on the 21st, and is asking for a continuance until mid-January, by which time the lockdown will hopefully have been lifted. The undersigned counsel is available at any time on January 20th, January 21st or January 22nd.

Thank you for your consideration.

Respectfully submitted,

/s/

Matthew W. Brissenden

cc: All Counsel (*via* ECF)
Phillip Kenner